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April 14, 2008

BY FAX

Fax: (212) 805-6382
Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street, Room 660
New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-15-08

Re: Alex Harrison v. City of New York, et al.
08 Civ. 2922 (VM)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York and New York City Police Department. Defendants respectfully request that their time to respond to the complaint in this action be extended for sixty days from April 15, 2008 to June 16, 2008.¹ Plaintiff's counsel consents to this request.

Plaintiff alleges that he was falsely arrested, subjected to excessive force, and maliciously prosecuted following an incident on November 28, 2006, in which plaintiff claims he was arrested by New York City Police Officers. Plaintiff asserts that the criminal charges brought against him were ultimately dismissed on March 8, 2007.

An enlargement of time will give this office the opportunity to investigate the allegations of the complaint in accordance with our obligations under Rule 11 of the Federal

¹ There is no indication whether the individually named defendant, Police Officer Angel Daliz, has been served with the summons and complaint. As of this date, no request for representation has been received with respect to this individual nor does the docket sheet indicate service on this defendant. Without appearing on Officer Daliz's behalf, it is respectfully requested that, if Officer Daliz has been served, the same extension be granted to Officer Daliz in order to ensure that Officer Daliz's defenses are not jeopardized while representation issues are being decided.

Rules of Civil Procedure. It is necessary for our office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to the plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. This executed release is necessary for our office to obtain the District Attorney, Criminal Court, and police records pertaining to plaintiff's underlying arrest and prosecution. This office is also in the process of forwarding to plaintiff for execution medical releases. These executed releases are necessary for our office to obtain the medical records pertaining to the plaintiff's alleged injuries and treatment.

Further, assuming plaintiff effects timely service on the individual defendant, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendant. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made in this action. Accordingly, we respectfully request that defendants' time to respond to the complaint be extended until June 16, 2008.

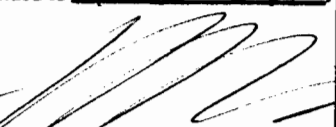
Thank you for your time and consideration of this request.

Respectfully submitted,



Amy N. Okereke
Assistant Corporation Counsel
Special Federal Litigation Division

cc: David Segal, Esq., attorney for plaintiff (by fax: (212) 571-0938)

Request GRANTED. The time for defendant(s) to answer or otherwise move with respect to the complaint in this action is extended to <u>6-16-08</u>	
SO ORDERED.	
<u>4-15-08</u>	
DATE	VICTOR MARRERO, U.S.D.J.